

Calendar No. 363

105TH CONGRESS }
2d Session

SENATE

{ REPORT
105-187

FEDERAL REPORTS ELIMINATION ACT
OF 1998

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1364

TO ELIMINATE UNNECESSARY AND WASTEFUL FEDERAL REPORTS



MAY 11, 1998.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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THE FEDERAL REPORTS ELIMINATION ACT OF 1998

MAY 11, 1998.—Ordered to be printed

Mr. THOMPSON, from the Committee on Government Affairs,
submitted the following

REPORT

[To accompany S.1364]

The Committee on Governmental Affairs, to which was referred the bill (S. 1364) to eliminate and modify reports identified by the Administration in the 1997 Budget, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

I. PURPOSE

The purpose of S. 1364, the Federal Reports Elimination Act of 1998, is to eliminate or modify Congressionally mandated Federal agency reports that are redundant, obsolete, or otherwise unnecessary on the recommendation of the Administration.

II. BACKGROUND

In 1995 Congress enacted the Federal Reports Elimination and Sunset Act of 1995 (P.L. 104-66), sponsored by Senator John McCain and Senator Carl Levin. That act contained three major provisions. One provision eliminated or modified approximately 200 reporting requirements imposed on federal agencies in law by Congress; the second required the President to identify in the next available budget message additional Congressionally mandated reporting requirements that could and should be eliminated; and the third provision terminates all annual or routine Congressionally mandated reporting requirements four years after enactment of the 1995 Act, or December 21, 1999, unless specifically exempted by law. As a result of this legislation, the President, in the FY 1997 Budget, provided Congress with a list of 400 reports recommended

for elimination or modification. That list of reports was used as the basis for S. 1364.

On November 4, 1997, Senator McCain and Senator Levin introduced S. 1364, a bill to eliminate or modify approximately 187 Congressionally mandated reports. The reports contained in the bill were distilled from the list of 400 recommended reports included on the Administration's list pursuant to the requirements of the 1995 Act. Senators McCain and Levin circulated the Administration's list to the chairmen and ranking minority members of the Committees with jurisdiction over the reporting requirements. The committee chairs and ranking members were asked to review the reports on the list and indicate any objections to elimination or modification of the reports under their jurisdiction. Eighty percent of the committee responded. As a result of the responses, which were incorporated into the bill for introduction, the list of 400 reports was ultimately reduced to 187 reports.

III. SECTION-BY-SECTION ANALYSIS

Title I, Section 101, would eliminate the following Department of Agriculture reports:

- Secondary Market Operations
- Pilot Programs to Test Measurement of Nutritional Status of Low-Income Households
- Estimate of Second Preceding Month's Expenditures Under Food Stamp Programs
- Advisory Committees
- Farmer-to Consumer Direct Marketing Act of 1976
- Agricultural Research at Land-Grant Colleges
- Foreign Ownership of Agricultural land
- Sugar Price Increases
- Housing Preservation Grant Program
- National Advisory Council on Maternal, Infant, and Fetal Nutrition

Title II, Section 201, would eliminate the following Department of Defense reports:

- Notifications of Conversion of Heating Facilities at Installations in Europe
- Notifications of Disagreements Regarding Availability of Alternative Housing

Title III, Section 301, would eliminate the report requirement of Section 1411 of the Higher Education Amendments of 1992 for the Department of Education.

Title IV, Section 401, would eliminate the following Department of Energy reports:

- Nuclear Test Ban Readiness Report
- Report on Resumption of Plutonium Operations at Rocky Flats
- Report on Potential for Hydropower Development, Utilizing Tidal Currents
- Electric Utility Participation Study
- Report on Steel and Aluminum Research and Development Activities
- Report on Metal Casting Research and Development Activities
- Biennial Update to the National Advanced Materials Initiative 5-Year Program Plan

Report on Vibration Reduction Technologies
 Report on Process-Oriented Industrial Energy Efficiency
 Report on Industrial Insulation and Audit Guidelines
 Report Evaluation of Opportunities for Energy Efficient Pollution Prevention
 Report on Continental Scientific Drilling Program
 Report on Coal Research, Development, Demonstration, and Commercialization Projects
 Report on the Use of Energy Futures for Fuel Purchases
 Report on Implementation of the Alaska Federal Civilian Energy Efficiency Swap Act of 1980
 Report on Major National Security Programs
 Section 402 would modify the following Department of Energy reports:
 Report on Plan for Electric Motor Vehicles
 Coke Oven Production technology Study
 Title V, Section 501, would eliminate the following Environmental Protection Agency reports:
 Report on Conditional Registration of Pesticides
 Report on Implementation of Toxic Substances Control Act
 Report on Effect of Pollution on Estuaries and Estuarine Zones
 Clean Lakes Report
 Report on Nonpoint Source Management Programs
 Report on Measures Taken to Meet Objectives of Federal Water Pollution Control Act
 Report on Safe Drinking Water Act Costs of Compliance
 Analysis of Alternative Motor Vehicle Fuels Use on Environment
 Comprehensive Report on Activities of Office of Solid Waste
 Study of Environmental Problems Associated with Improper Disposal or Reuse of Oil
 Report on State and Local Training Needs and Obstacles to Employment in Solid Waste Management and Resource Recovery
 Interim Report of National Advisory Commission on Resource Conservation and Recovery
 Final Report on Medical Waste Management
 Report on Status of Demonstration Program to Test Methods and Technologies of Reducing or Eliminating Radon Gas
 Report on Canadian Acid Rain Control Program Biennial Pollution Prevention Report
 Title VI, Section 601, would eliminate the following Department of Health and Human Services reports:
 Public Health Service Act:
 Report on Scientific and Clinical Status of Organ Transplantation
 Report of the Director of the National Institutes of Health
 Report of the National Institutes of Health on Administrative Expenses
 Diabetes Mellitus Interagency Coordinating Committee, Digestive Diseases Interagency Coordinating Committee, and National Kidney and Urologic Diseases Interagency Coordinating Committee Report
 National Diabetes Advisory Board Annual Report
 National Digestive Diseases Advisory Board
 National Kidney and Urologic Diseases Advisory Board Report

Arthritis and Musculoskeletal and Skin Diseases Interagency
 Coordinating Committee Annual Report
 Arthritis and Musculoskeletal and Skin Diseases Advisory
 Board Annual Report
 Health Services Research Report
 Substance Abuse and Mental Health Services Administration
 Report
 Triennial Report on Drug Abuse
 Family Planning and Population Research Report
 Sudden Infant Death Syndrome Research Report
 National Vaccine Program Report

Other Acts:

Federal Food, Drug, and Cosmetic Act—Radiation Control for
 Health and Safety Annual Report
 Home Health Care and Alzheimer's Disease Amendments of
 1990—Task Force on Aging Research Report
 NIH Revitalization Act of 1993—Research Activities Concern-
 ing Chronic Fatigue Syndrome Report
 Social Security Act—Endstage Renal Disease Report
 Indian Health Care Improvement Act—Tribal Organization
 Demonstration Program for Direct Medicare Billing
 Comprehensive Drug Abuse Prevention and Control Act of
 1970—Public Health Service Report
 Indian Health Care Amendments of 1998—Eligibility for
 Health Care Services

Social Security Act:

Report on Adjustment of Hospital Wage Indices, FY 1989
 Report on Proposal for Payment of Home Health Services
 Report on Long Term Health Care Policies
 Report on Separate Average Standardized Amounts
 Report on Visit Code Modification Study
 Report on NAIA Model Transition
 Report on Study on Payment for Chemotherapy in Physicians
 Offices

Section 602 would modify the following reports under the Social
 Security Act;

Report on Staffing Requirements in Nursing Facilities
 Report on State Health Care Grants on Adequate Health Care
 Coverage
 Report on Transferred Grant Programs from National Institute
 on Alcoholism and Alcohol Abuse

Title VII, Section 701, would eliminate the following Department
 of Housing and Urban Development reports:

Federal Activities Under Solar Heating and Cooling Demonstra-
 tion Act of 1974
 Funding Relating to Evaluating and Monitoring Programs
 State and Local Strategies for Removal of Barriers to Affordable
 Housing
 Comprehensive Review and Evaluation of Homeless Assistance
 Programs
 Neighborhood Redevelopment Program
 Home ownership Demonstration Program
 Rural Rental Rehabilitation Demonstration
 Summary of Activities Under New Town Demonstration

Title VIII, Section 801, would eliminate or modify the following Indian Affairs reports:

- Indian Child Protection and Family Violence Prevention Report
- Adjustment or Cancellation of Obligations Related to the Indian Revolving Loan Fund
- Indian Loan Guaranty and Insurance Fund Deficiencies
- Report on Demonstration Projects
- National Criteria For Dormitory Situations
- Positions Contracted Under Grants of Post-Differential Authority in BIA Schools
- Tribally Controlled Schools Act Report
- Report on Indian Preference Positions
- Native Americans Education Assistance Act Report
- Indian Self Determination and Education Assistance Act Report

Section 1137 of the Education Amendments of 1978 was modified and a technical correction was made to various sections to make the report biennial.

Title IX, Section 901, would eliminate the following Department of the Interior Reports:

- Pacific Yew Act
- Size and Condition of the Tule Elk Herd in California
- Reviews and Extensions of Withdrawals of Lands
- Status of the Wild Free-Roaming Horse and Burro Program
- Status of the Wilderness System
- Water Quality of the Sacramento-San Joaquin Delta and San Francisco Bay Estuarine Systems
- Colorado River Floodway Maps
- Certification of Adequate Soil Survey of Land Classification
- Claims Submitted from The Teton Dam Failure
- Study of the Feasibility and Suitability of Establishing Niobrara Buffalo Prairie National Park
- Study of Route 66
- Report on Anthracite Mine Water Control and Mine Sealing and Filling Program
- Audit of Federal Royalty Management System
- Report on Bidding Options for Oil and Gas Leases on Outer Continental Shelf Land
- Reports on Outer Continental Shelf Leasing and Production Program and Promotion of Competition in Leasing
- Audit of Financial Report of Governor of Guam
- Audit of Financial Report of Governor of Virgin Islands
- Audit of Financial Report of Governor of American Samoa
- Audit of Financial Report of Chief Executives of Certain Territories
- Report on Activities Under Helium Act
- Report on Contract Awards Made to Facilitate National Defense

Section 902, would modify the following Department of Interior Reports:

- Recommendations on Prospective Timber Sales
- Report on Nationwide Geologic Mapping Program

Title X, Section 1001, would eliminate the following Department of Justice Reports

- Emergency Law Enforcement Assistance Report
- Immigration and Nationality Act

Immigration and Naturalization Document Security Report
 Diversion Control Fee Account Report
 Asset Forfeiture Report
 Civil Financial Institutions Reform, Recovery, and Enforcement Report
 Damage Settlement Report
 Banking Law Offense Report
 Banking Law Offense Rewards Report
 Banking Institutions Soundness Report
 Title XI, Section 1101, would eliminate the following NASA reports:
 Contingent Liability
 Activities of the National Space Grant and Fellowship Program
 Notification of Procurement of Long-Lead Materials for Solid Rocket Motors on Other than Cooperative Basis
 Contracts to Facilitate the National Defense
 Capital Development Plan for Space Station Program
 Certification Relating to Payloads
 Notice of Modification of NASA
 Expenditures Exceeding Astronomy Program
 Launch Voucher Demonstration Project
 Space Settlements
 Proposed Decision or Policy Concerning Commercialization
 Joint Former Soviet Union Studies in Biomedical Research
 Title XII, Section 1201, would eliminate the following Nuclear Regulatory Commission reports:
 Report of Advisory Committee on Reactor Safeguards
 Report on the Price-Anderson Act
 Section 1202, would modify the following Nuclear Regulatory Commission report:
 Status of Health, Safety, and Environmental Conditions at the Gaseous Diffusion Uranium Enrichment Facilities of NRC
 Title XIII, Sections 1301, 1302, and 1303, eliminate the following OMB, OPM, and GSA reports:
 Federal Civil Penalties Inflation Adjustment Act of 1990
 Voluntary Contributions by the United States to International Organizations
 Prompt Payment Act Report
 Federal Acquisition Regulatory Council
 Administrative Law Judges Report
 Federal Employee Retirement and Benefits Report
 Civil Service Retirement and Disability Fund Report
 Placement of Non-Indian Employees
 Report on Federal Property and Administrative Services Act
 Title XIV, Section 1401, eliminates the following Trade Agency reports:
 Coffee Trade
 Trade Act of 1974 Report
 Uruguay Round Agreements Act Report
 Restrictions on Expenditures Report
 Title XV, Section 1501, would eliminate the following Department of Transportation reports:
 Coast Guard Report on Environmental Compliance
 Annual Report on Coast Guard User Fees

Reports About Government Pension Plans
 Biennial Report of the Interagency Coordinating Committee on
 Oil Pollution Research
 Federal Highway Administration Report
 Annual Report on Highway Hazard Elimination Program
 Transportation Air Quality Report
 Indian Reservation Roads Study
 Study of Impact of Climatic Conditions
 Fatal and Injury Accident Rates on Public Roads in the United
 States
 Biennial Reports on Natural Gas and Hazardous Liquid Pipeline
 Safety
 Motor Vehicle Safety
 Bumper Standards
 Highway Safety
 Maritime Construction Costs
 Federal Transit Administration
 Project Review
 Suspended Light Rail System Technology
 Needs Survey; Transferability Report
 Section 1502, would modify the following reports and corrects
 any error in the Nonindigenous Aquatic Nuisance Prevention and
 Control Act of 1990;
 Coast Guard Report on Major Acquisition Projects
 Highway Report
 Aviation Security Report
 Report on Public Transportation
 The National Ballast Information Clearinghouse Act was cor-
 rected to change biannual reporting requirements to biennial.
 Title XVI, Section 1601, would eliminate National Oceanographic
 and Atmospheric Agency reports as follows:
 Report Concerning Prices for Nautical and Aeronautical Products
 Report on National Shellfish Research Program
 Geostationary Operational Environmental Satellites Certification
 and Report Regarding Technical Performance Specifications
 Next Generation Weather Radar System Certification and Report
 Regarding Technical Performance Specifications
 Report on Enforcement of Violations Concerning the Use of
 Unenhanced Data for Commercial Purposes
 Report on the National Climate Program Activities

IV. COMMITTEE ACTION

In early 1998, the Governmental Affairs Committee, to which the
 bill was referred, distributed copies of S. 1364 to relevant commit-
 tees, notifying them of the possibility that reports proposed to be
 modified or eliminated in the bill may be within their jurisdiction.
 A follow-up memorandum was also sent to each committee that
 had not responded to the earlier notice by Senators McCain and
 Levin prior to introduction of S. 1364, to ensure that replies were
 received from all affected committees provided a response.

The Committee worked closely with the Office of Legislative
 Counsel to confirm the accuracy of the multitude of statutory ref-
 erences in the bill to ensure that correct provisions were cited and
 that there was no conflict with other legislation. The Committee

also worked closely with the Office of Information and Regulatory Affairs of the Office of Management and Budget to clarify citations and any discrepancies between the bill and the 1997 budget reports list.

During the Committee markup of the bill on March 10, 1998, Senator Levin offered an amendment to the bill to make various technical corrections and to include additional reports from the National Oceanic and Atmospheric Administration (NOAA). As with the other reports included in S. 1364, the Committee cleared the NOAA reports with the committee of jurisdiction and the Office of Management and Budget. At the request of Senator John Glenn, the amendment also corrected an error in the Nonindigenous Aquatic Nuisance Prevention and Control Act by changing reporting requirements from biannual to biennial. On March 10, 1998, the bill and amendment were unanimously approved by a voice vote of the Committee.

V. CONCLUSION

In placing mandatory reporting requirements on federal agencies, Congress must carefully weigh the Congress' need for information concerning government programs and activities against the burdens and costs incurred by the federal agencies in preparing such reports. Too many reporting requirements are made permanent even though their utility to the work of Congress is of limited duration. Congress should eliminate reporting requirements that are no longer useful and should act with great restraint in imposing additional reporting requirements on federal agencies.

Passage of S. 1364 will enhance the economic and efficient operation of Federal government activities by modifying or eliminating 187 Congressionally mandated reporting requirements. The elimination of these reporting requirements will allow resources currently used to compile the reports to be channeled to more essential functions.

VI. ESTIMATED COSTS OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 1998.

Hon. FRED D. THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1364, the Federal Reports Elimination Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S. 1364—Federal Reports Elimination Act of 1997

Summary: S. 1364 would eliminate or modify the requirements for approximately 200 federal reports. CBO estimates that these

changes would reduce federal reporting costs by about \$1 million in fiscal year 1999. Beginning with fiscal year 2000, the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66) already provides for terminating most periodic reporting requirements established prior to 1993. Thus, CBO estimates that savings in fiscal year 2000 and beyond would total less than \$500,000 a year.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1364 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: S. 1364 generally covers reports that are not submitted by agencies now, or that replicate data compiled and submitted in other reports. Based on information submitted as part of the President's budget request for fiscal year 1997 and on information provided by various agencies, CBO estimates that agencies already do little or no work on about 90 percent of the listed reporting requirements. For each of the remaining reports, we estimate that agencies, on average, incur annual costs of less than \$50,000. Even in the case of the more burdensome reporting requirements, the savings may be less than current costs if agencies continue to collect the information for use internally and by other Executive Branch agencies, or to answer informal inquiries from the Congress. In total, CBO estimates that the savings in fiscal year 1999 from eliminating or modifying the approximately 200 reports specified in S. 1364 would total about \$1 million, all from appropriated funds. Because current law eliminates most periodic reporting requirements in 2000, CBO estimates that annual savings in fiscal year 2000 and beyond would total less than \$500,000.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1364 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: John R. Righter.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

VII. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirement of paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of S. 1364. The legislation contributes to the economical operation of federal government activities by streamlining the information flowing from agencies to Congress. It would impose no additional regulatory burdens, and it would reduce paperwork burdens on federal agencies.

VIII. CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee has determined that it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

